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To: Examiner Seung Lee

FIRM/COMPANY: USPTO, Group 2876, Attention Box AF

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CONFIRMATION TELEPHONE: 703.308.5894

FROM: Stephan P. Gribok

DIRECT DIAL: 215.979.1283

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: HIRONO, T., et al.

Serial No: 09/901,288

Examiner: Lee, Seung H.

Filed: July 9, 2001

Group Art Unit: 2876

For: CUVETTE CONTROL UNIT AND CONTROLLING METHOD USING THE SAME

TRANSMITTAL LETTER

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37 C.F.R. §§1.8, 1.8

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Stephan P. Gribok, Reg. No. 29643

Date

9-25-03

Please find enclosed for filing:

- ✓ Amendment, 37 C.F.R. § 1.116, containing 10 pages.
- ✓ Please charge Deposit Account No. 04-1679 for any additional fees necessary to maintain the application pending. This Transmittal Letter is submitted in duplicate.
- ✓ Other: Return receipt postcard

Respectfully submitted,

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Date: Sept. 25, 2003

Stephan P. Gribok
Reg. No. 29,643

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Docket No: D5620-26
3005-29
KW 150 US

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AMENDMENT, 37 C.F.R. §1.116

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Sir:

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Applicant hereby responds under 35 U.S.C. §1.116 to the official action mailed August 1, 2003 (Paper No. 9). This response consists of:

- amended claims 1-6 and 8 on following pages 2-5;
- appended remarks, pages 6-10;
- a transmittal letter containing a contingent charge authorization; and,
- a facsimile cover sheet.

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This response places the case in condition for allowance. No issues are presented after final rejection involving substantial consideration or search. Applicant establishes herein that a "control code," consistent with the specification and with the industry understood concept of a control code, is plainly different from a parity or other data-redundancy code. A parity or CRC code is a conventional data code. It changes with data values otherwise found in the bar code. It does not relate to control of the reading/scanning operation. Applicant proposes to amend claim 1 to specifically recite the nature of such control, namely for start or stop coding. This is not a new issue because control codes defined as start and stop codes were recited in claim 4.

Entry of this amendment is requested.